

## R381-100-12: INJURY PREVENTION

### Purpose

This section provides rules and information about preventing and handling injuries to children in care.

### General Information

A more comprehensive list of ways inaccessible items will be assessed can be found in section 2.

These rules apply to both the indoor and outdoor areas of the facility.

Storage containers that must be pulled out of or off of a shelf in order to assess its contents will be considered a drawer.

- (1) The provider shall ensure that the building, grounds, toys, and equipment are maintained and used in a safe manner to prevent injury to children.

### Rationale / Explanation

Proper maintenance is a key factor in trying to ensure a safe environment for children. Regular inspections are critical to prevent breakdown of equipment and the accumulation of hazards in the environment, and to ensure that needed repairs are made quickly. Regular maintenance checks and appropriate corrective actions documented in writing can reduce the risk of potential injury and provide a mechanism for periodic monitoring and improvements. *CFOC, 3<sup>rd</sup> Ed. pgs. 237-238 Standard 5.3.1.1, pgs. 259-260 Standard 5.7.0.2, pg. 260 Standard 5.7.0.4, pg. 277 Standard 6.2.5.1, pg. 375 Standard 9.2.6.3*

The physical structure where children spend each day can present safety concerns if it is not kept in good repair and maintained in a safe condition. For example, peeling paint in older buildings may be ingested, floor surfaces in disrepair could cause falls and other injuries, broken windows could cause severe cuts. Children's environments must also be protected from exposure to moisture, dust, and excessive temperatures. *CFOC, 3<sup>rd</sup> Ed. pg. 261 Standard 5.7.0.7*

The American Academy of Pediatrics and the American Public Health Association recommend that windows in areas used by children under age 5 not open more than 3.5 inches, or else be protected with guards that prevent children from falling out of the window. *CFOC, 3<sup>rd</sup> Ed. pgs. 204-205 Standard 5.1.3.2.*

Constant direct supervision is also needed in order to ensure that even well-maintained equipment is not used in unsafe ways. *CFOC, 3<sup>rd</sup> Ed. pgs. 64-66 Standard 2.2.0.1*

### Enforcement

Level 2 Noncompliance if melting wax, such as in a candle warmer, is accessible to children.

### Assessment

Other than above, a finding to this rule is issued only when there is not another rule that specifically addresses an observed lack of safe maintenance or use of the building, grounds, toys, and equipment. The noncompliance level depends on what was observed.

For plug-in items, such as those made by Wallflowers, Glade and Scentsy, are only a finding if they are filled with melting wax.

Hot glue guns and irons may be used by school age children during supervised activities only.

- (2) **The provider shall ensure that walkways are free of tripping hazards such as unsecured flooring or cords.**

Rationale / Explanation

The purpose of this rule is to prevent injuries to children from tripping and falling. *CFOC, 3<sup>rd</sup> Ed. pgs. 237-238*  
*Standard 5.3.1.1*

Enforcement

Always Level 2 Noncompliance.

Assessment

This rule does not prevent the use of throw rugs.

Cords in the outdoor play area will be assessed as tripping hazards only in the use zones of stationary play equipment.

- (3) **Areas accessible to children shall be free of unstable heavy equipment, furniture, or other items that children could pull down on themselves.**

Rationale / Explanation

Children have suffered serious injuries and death due to unstable heavy equipment falling on them. The Consumer Product Safety Commission (CPSC) estimates that, between 2009 and 2011, 25,400 children had emergency department treated injuries from tip-overs and 44% of those tip-overs involved televisions and furniture. They also estimate that, between 2009 and 2011, there were 294 child fatalities from tip-overs and 62% of those involved televisions and furniture.

Enforcement

Always Level 2 Noncompliance.

Assessment

Licensing Specialists will assess items over four feet high that are both heavy and unstable that children could climb onto or could pull over. Furniture less than four feet high will only be assessed if there is something heavy enough to injure a child, such as a television, small refrigerator, or unstable stacks of cinder blocks.

- (4) **The following items shall be inaccessible to children:**
- (a) **firearms, ammunition, and other weapons on the premises. Firearms shall be stored separately from ammunition, in a cabinet or area that is locked with a key or combination lock, unless the use is in accordance with the Utah Concealed Weapons Act, or as otherwise allowed by law;**

### Rationale / Explanation

The purpose of this rule is to prevent child injuries or deaths from firearms. Children have a natural curiosity about firearms and have often seen their use glamorized on television. Firearms pose a great potential for tragic accidents with children.

*CFOC, 3<sup>rd</sup> Ed. pg. 257 Standard 5.5.0.8, pg. 363 Standard 9.2.3.16.*

According to Think Progress, 10,000 kids are injured or killed by guns each year in the U.S.

<http://thinkprogress.org/health/2014/01/27/3206581/kids-gun-violence-killed-injuries>.

Every hour a child or teen is sent to the hospital with a gunshot wound, most of them accidental. The following is an informational news report about guns and gun safety: <http://abc.go.com/shows/2020/listing/2014-01/31-2020-131-young-guns-a-diane-sawyer-special#more>

### Enforcement

Level 2 Noncompliance if a firearm with a trigger lock is accessible. Level

1 Noncompliance otherwise.

### Assessment

Firearms include guns, muzzle loaders, rifles, shotguns, hand guns, pistols, and automatic guns.

Firearms must be stored separately from ammunition, in a cabinet or area that is locked with a key, combination, or finger print lock. Use of a trigger lock is **not** an acceptable alternative to storing firearms in a locked cabinet or area.

Ammunition may be stored in the same cabinet or area as the firearm but not in the chamber of the firearm or in the firearm at all.

A weapon is defined as an item for which the intended use can cause harm or death to people or animals. Paintball guns, BB guns, Airsoft guns, stun guns, sling shots, arrows, and mace are some examples of weapons, and must be inaccessible to children in care.

(4) The following items shall be inaccessible to children:

- (b) tobacco, e-cigarettes, e-juice, e-liquids, alcohol, illegal substances, and sexually explicit material;

### Rationale / Explanation

The age, defenselessness, and lack of mature judgement of children in care make the prohibition of tobacco, alcohol, and illegal substances an absolute requirement in child care programs. *CFOC, 3<sup>rd</sup> Ed. pg. 118-119 Standard 3.4.1.1, pg. 363 Standard 9.2.3.15*

Scientific evidence has linked respiratory health risks to secondhand smoke. No children, especially those with respiratory problems, should be exposed to additional risk from the air they breathe. Infants and young children exposed to secondhand smoke are at risk of developing bronchitis, pneumonia, and middle ear infections when they experience common respiratory infections. *CFOC, 3<sup>rd</sup> Ed. pg. 118-119 Standard 3.4.1.1, pg. 363 Standard 9.2.3.15*

### Enforcement

Level 1 Noncompliance if children have access to tobacco, alcohol, or illegal substances Level 2

Noncompliance otherwise.

### Assessment

Unsmoked cigarettes, cigarette butts, electronic cigarettes, E-liquid, E-juice, E-cigarettes, electronic cigarets, vapor cigarets and chewing tobacco must be inaccessible because they contain harmful substances.

(4) The following items shall be inaccessible to children:

(c) when in use, portable space heaters, fireplaces, and wood burning stoves;

### Rationale / Explanation

Portable space heaters, fireplaces, and wood burning stoves are all hot enough to burn children when in use. They can also start fires when heating elements, flames, or hot surfaces are too close to flammable materials, including children's clothing. In addition, fireplaces and wood burning stoves can be sources of toxic products of combustion. *CFOC, 3rd Ed. pgs. 215-216 Standards 5.2.1.11, 5.2.1.12, 5.2.1.13*

### Enforcement

Level 1 Noncompliance for accessible wood burning stoves or fireplaces. Level

2 Noncompliance for accessible portable space heaters.

### Assessment

Patio heaters are considered portable space heaters and must be inaccessible to children in care.

A space heater is any heater that can be moved and is not permanently installed into the wall. This includes space heaters that are manufactured to look like fireplaces. When being used while children are in care, they must be made inaccessible.

While children are in care, if an infrared fireplace is used it must be made inaccessible.

(4) The following items shall be inaccessible to children:

(d) toxic or hazardous chemicals such as cleaners, insecticides, lawn products, and flammable materials;

### Rationale / Explanation

All of these substances can cause illness or death through accidental ingestion. Flammable materials are also involved in many non-house fire flash burn admissions to burn units. *CFOC, 3<sup>rd</sup> Ed. pgs. 226-229 Standards 5.2.8.1, 5.2.9.1, pgs. 234-235 Standard 5.2.9.11, pg. 256 Standard 5.5.0.5*

## Enforcement

Level 2 Noncompliance if any of the following are accessible to children:

ammonia	insecticide	paint thinner
anti-freeze	insect repellent	rubbing alcohol
bleach (undiluted)	iodine	rubber cement
Tiki Torch Fuel	jewelry cleaner	silicone spray
corroded batteries	kerosene	solvents containing acetone
drain cleaners	laundry pods	spray paint
energy shots, such as 5 Hours Energy	liquid correction fluids, such as Wite Out	super glue
fertilizer with weed killer	linseed oil	tile grout sealer
fluorescent light tubes	lighter fluid	turpentine
gasoline	model glue	vinyl adhesive remover
gunpowder	nail glue	water sealant
gun solvent	nail polish remover	WD-40
hydrocarbons, such as De-Solv-It	pesticide	weed killer
laundry detergent pods		windshield washer fluid

Level 3 Noncompliance if household cleaners are accessible to children.

Household cleaners include:

green products	sanitizers, such as bleach water	motor oil
fish bowl/tank cleaners	multi purpose cleaners, such as Armor All Multi Purpose Cleaner	

## Assessment

The following items are **not** considered toxic or hazards chemicals (this is not an all inclusive list):

blue toilet water	firework snaps	rinsing agents
charcoal that is treated with lighter fluid	fluorescent light bulbs	shaving cream
cleanser (including liquid cleansers, and cleansers with bleach)	GOJO products	silica gel packets
disinfecting or sanitizing wipes, such as Clorox Wipes	ice melt or rock salt	spackling
energy drinks	laundry detergent	stucco
essential oils	liquid bandage products	white board cleaner
Fast Orange hand cleaner	plant fertilizer, such as Schultz Root Stimulator	witch hazel
Febreze products	propane	wood pellets

A finding will not be issued if items are accessible to children that have the warning to “keep out of the reach of children” and they are not on the lists above. However, the Licensing Specialist will get the product information and research will be completed to see if it should be added to either of the lists.

School age children may use spray paint in a supervised art activity, but spray paint must be stored inaccessible. For rooms used only by school age children a finding will not be issued for accessible cleaners and sanitizers. If a child is harmed after accessing cleaners and/or sanitizers, a lack of supervision finding will be issued.

Sanitizing solutions accessible to a child on a changing table will not be considered out of compliance as long as it is inaccessible to all children not being changed.

- (4) The following items shall be inaccessible to children:  
(e) poisonous plants;

[Rationale / Explanation](#)

Plants are among the most common household substances that children ingest. Poisonous plants can also cause skin rashes. *CFOC, 3<sup>rd</sup> Ed. pg. 234 Standard 5.2.9.10*

*See CFOC, 3<sup>rd</sup> Ed. pgs. 470-471, Appendix Y for a list of safe and poisonous plants.*

[Enforcement](#)

Level 2 Noncompliance if there are accessible poisonous plants in rooms with mobile infants or toddlers. Level

3 Noncompliance otherwise.

[Assessment](#)

Poisonous plants include:

castor bean	oleander	stinging nettle
jimson weed	poison ivy	toadstools
mushrooms	poison oak	

Chestnuts are not considered a poisonous plant.

- (4) The following items shall be inaccessible to children:  
(f) matches or cigarette lighters;

[Rationale / Explanation](#)

Accidental fires are often started by children playing with matches and cigarette lighters. *CFOC, 3<sup>rd</sup> Ed. pg. 256 Standard 5.5.0.6*

### Enforcement

Always Level 2 Noncompliance.

(4) The following items shall be inaccessible to children:

(g) open flames;

### Rationale / Explanation

Children are at risk of burns from open flames. Fires may also be accidentally started by open flames, such as a burning candle. *CFOC, 3<sup>rd</sup> Ed. pg. 256 Standard 5.5.0.6*

### Enforcement

Always Level 1 Noncompliance.

### Assessment

This rule does not prevent a caregiver from having a birthday cake or cupcakes with candles, provided there is constant direct supervision of the lit candles until they are blown out.

(4) The following items shall be inaccessible to children:

(h) sharp objects, edges, corners, or points which could cut or puncture skin;

### Rationale / Explanation

The purpose of this rule is to prevent children from being cut or having their skin punctured by sharp objects. *CFOC, 3<sup>rd</sup> E. pgs. 237-238 Standard 5.3.1.2, pgs. 284-285 Standard 6.4.1.2*

### Enforcement

Always Level 2 Noncompliance.

### Assessment

The following are example that **will** be considered sharp objects, edges, or points:

antlers, sharp enough to puncture skin	hypodermic needles	sharp knives, even those in sheaths or butcher blocks
box cutters	running fan with guards spaced greater than 5/16 inch	syringes and lancets
cactus	paper cutters and trimmers	thumb tacks or pins on the floor
dog clippers	razors, razor blades, razor heads	
fish hooks	sewing needles on the floor	

In rooms used for school age children only, this rule also does not include adult scissors or sewing needles.

Child scissors are defined as scissors that have a blunt edge and are not more than 6" in length and can be accessible to children.

This rule is not meant to prohibit preschoolers from engaging in supervised woodworking activities.

Two-pronged cubicle clips that are accessible to children shall be treated the same as tacks and pins, and are a finding only if they are on the floor.

The following **will not** be consider sharp objects, edges, or points:

antlers, unless they are broken and have a sharp edge	metal claw hammers	staples and staple guns
apple corer/slicer	metal skewers	staplers
Christmas Cactus	paper shredder	Staple removers
cheese graters	potato peelers	tape dispenser
decorative scrap book scissors	pumpkin carving utensils	toothpicks
hammers	screw drivers	

(4) The following items shall be inaccessible to children:

- (i) for children age 4 and under, ropes, cords, wires and chains long enough to encircle a child's neck, such as those found on window blinds or drapery cords;

#### Rationale / Explanation

Window covering cords are frequently associated with strangulation of children under five years of age. Cords and ribbons tied to pacifiers can become tightly twisted, or can catch on crib corner posts or other protrusions, causing strangulation. *CFOC, 3<sup>rd</sup> Ed. pg. 129 Standard 3.4.6.1.*

#### Enforcement

Always Level 2 Noncompliance.

#### Assessment

This rule is not meant to prohibit children from engaging in activities with any of the following: lacing cards; stringing beads; yarn; ribbon; boondoggle; scarves; string; shoelaces; jump ropes; or dress-up clothing, purses, and jewelry.

A window blind or drapery cord that is doubled, creating a loop, will be considered inaccessible to children under age 3 if it is hanging higher than 36 inches and inaccessible to 3 and 4 year old children if it is hanging higher than 48 inches. A window blind or drapery cord that is not doubled, will be considered inaccessible to children under age 3 if less than 12 inches is hanging below 36 inches and inaccessible to 3 and 4 year old children if less than 12 inches is hanging below 48 inches.

Pacifier cords longer than 12 inches must be inaccessible to children. Strings longer than 12 inches on mobiles over cribs are strangulation hazards.

Nylon straps that are used with group feeding tables or highchairs are not out of compliance with this rule.

Noncompliance findings will be issued for ropes, cords, chains, or wires that are longer than 12 inches and can make a loop 5 inches or greater in diameter anywhere on a piece of playground equipment and attached to secure objects.



Loose jump ropes, ropes, cords, chains suspending swings or tether balls will not be considered out of compliance with this rule.

Lanyards and necklaces can be used by children in care.

(4) The following items shall be inaccessible to children:

- (j) for children age 4 and under, plastic bags large enough for a child's head to fit inside, latex gloves, and balloons; and

#### Rationale / Explanation

Plastic bags pose a suffocation risk for children. Rubber balloons and latex gloves can cause choking if children accidentally swallow them, or bite off parts of them and swallow them. *CFOC, 3<sup>rd</sup> Ed. pg. 257 Standard 5.5.0.7, pgs. 284-285 Standards 6.4.1.2, 6.4.1.5.*

#### Enforcement

Level 1 Noncompliance if a child is observed playing with an empty plastic bag large enough for a child's head to fit inside, latex gloves, or balloons.

Level 3 Noncompliance otherwise.

#### Assessment

As long as children are directly supervised, providers may use plastic grocery bags for activities, such as making kites.

This rule applies to:

empty, loose plastic bags	latex balloons in or out of bags	latex or rubber balloons whether or not inflated
empty plastic bags gallon size or larger	latex balloons, even if the children are being directly supervised	punch balloons

This rule does **not** apply to:

latex gloves in a box	Mylar balloons	punch balls made of thick latex
latex gloves in a closed first aid kit.	plastic bags stored in any closed container	unused plastic bags on a roll or in a box
latex gloves on a changing table, if they are only within reach of the child on the changing table	plastic bags with something in them	
multiple use latex gloves	plastic trash can liners inside of a trash can	

(4) The following items shall be inaccessible to children:

- (k) for children age 2 and under, toys or other items with a diameter of less than 1-1/4 inch and a length of less than 2-1/4 inches, or objects with removable parts that have a diameter of less than 1-1/4 inch and a length of less than 2-1/4 inches

#### Rationale / Explanation

These items pose a choking hazard for small children. *CFOC, 3<sup>rd</sup> Ed. pgs. 284-285 Standard 6.4.1.2.*

#### Enforcement

Always Level 2 Noncompliance.

#### Assessment

Small item will be assessed by using a choke tube tester. It is a choking hazard only when it fits entirely in the choke tube and is accessible to children age 2 and under. Rooms will only be assessed for choking hazards when there are children age 2 and under in the room and there are items visible and accessible to the children. Visible means you can touch the item without opening a cabinet, drawer, container lid, etc.

Infants and toddlers can have access to crayons and chalk that are **not** choking hazards. They can use crayons and chalk that are choking hazards with constant, direct supervision by a caregiver.

This rule does **not** apply to:

- two-year-olds having access to crayons or chalk regardless of their size
- items 1/2" in diameter or smaller, such as
  - rice
  - beans
  - small macaroni
  - small beads
  - sequins
  - single small Lite-Brite pegs
  - small craft eyes
- rubber bands
- Potpourri
- bobby pins
- feathers
- small pieces of food served to children, except as specified in 100-24(5) for infants and toddlers
- fabric, including felt
- Tootsie Rolls
- stud earrings

Consider the following as choking hazards when they fit in the choke tube, are accessible, visible, and there are children age 2 and under in the room at the time of the inspection:

- loose caps from markers
- any piece or part of a toy that is intended to be played with in pieces or parts (such as puzzle pieces **and Legos**).
- pony tail holders with decorative items that fit in the choke tube
- hardened pieces of dry play dough

- hard food, such as hard tack candy, nuts, uncooked large beans and large pasta
- Christmas decorations

If children age two and under are in a carefully supervised activity, such as an art activity with a caregiver sitting at the art table with them, they may use art materials smaller than the allowed size, such as cotton balls, large macaroni, or craft eyes larger than ½ inch in diameter. However, these items may not be accessible to these children unless a caregiver is at the table with the children supervising their use of these items.

This rule does not prohibit children age 3 and older from engaging in activities or games that have small pieces, as long as these items are not left on the floor with children age 2 and under in the room, or left out on a surface under 36" high, where children age 2 and under could pick them up without opening a drawer, cupboard, lid, or closet.

**(5) The provider shall store all toxic or hazardous chemicals in a container labeled with its contents.**

#### Rationale / Explanation

The purpose of this rule is so that a toxic or hazardous chemical is not mistaken for a harmless material. For example, an unlabeled bottle of bleach water used for sanitizing could be mistaken for plain water. *CFOC, 3<sup>rd</sup> Ed. pgs. 228-229 Standard 5.2.9.1*

#### Enforcement

Always Level 2 Noncompliance.

#### Assessment

Toxic or hazardous chemicals include sanitizing solutions.

Cleaning buckets that contain chemicals and will be dumped after the cleaning is finished do not have to be labeled with their contents.

Buckets used to store cleaners must be labeled with the name of the cleaner.

Providers may store home-made cleaning solutions that have the exact same ingredients as store-bought cleaners in the containers of the store-bought cleaner. For example, providers may make a cleaning solution of bleach and water and store it in a Clorox Anywhere Hard Surface cleaner container.

This rule will be in compliance if toxic chemicals are in containers with a general label, such as "sanitizer" or "window cleaner".

No matter what is actually in the container, if the container is labeled as a toxic chemical a finding will be issued.

**(6) Electrical outlets and surge protectors accessible to children age four and younger shall have protective caps or safety devices when not in use.**

#### Rationale / Explanation

Preventing children from placing fingers or sticking objects into exposed electrical outlets prevents electrical shock, electrical burns, and potential fires. Oral injuries can also occur when young children insert a metal object into an outlet and try to use their teeth to extract the object. The combination of electricity and mouth moisture closes the electrical

circuit, and can lead to serious life-long injuries. CFOC, 3<sup>rd</sup> Ed. pgs. 219-220 Standard 5.2.4.2.

#### Enforcement

Always Level 2 Noncompliance.

#### Assessment

In rooms/areas for children under age 3, accessible outlets include any outlet within 36" of a surface a child in care sleeps on, and any outlet within 36" from any surface in a bathroom a child in care could climb on, such as a bathtub, toilet or counter. In rooms/areas for children ages 3 and 4, accessible outlets include any outlet within 48" of a surface a child in care sleeps on, and any outlet within 48" from any surface in a bathroom a child in care could climb on, such as a bathtub, toilet or counter.

A tamper resistant outlet is considered to be a safety device. The outlet must be marked with "TR" or the words "tamper resistant". A grounded outlet is an outlet that has holes for three prongs. Grounded outlets still need safety covers, unless they are also tamper resistant.

GFCI Protected Outlets do not protect against electrical shock so they are out of compliance if not covered.

Grounding holes are not required to be covered or protected.

When an item plugs into an outlet cover and covers the whole opening (both plugs), such as a doorbell box or deodorizer, the unused outlet will be considered covered.

All unused plugs in surge protectors that are plugged in must be covered. Some surge protectors pose a fire hazard if covered with individual plugs. There are covers that encase the entire surge protector that may be more safe to use.

**(7) Hot water accessible to children shall not exceed 120 degrees Fahrenheit.**

#### Rationale / Explanation

Tap water burns are the leading cause of nonfatal burns, and children under 5 years of age are the most frequent victims. Water heated to 130 degrees Fahrenheit takes only 30 seconds to burn the skin. Water heated to 120 degrees takes 2 minutes to burn the skin. CFOC, 3<sup>rd</sup> Ed. pg. 216 Standard 5.2.1.14

#### Enforcement

This rule refers to water in sinks used by children.

Level 2 Noncompliance if the hot water temperature is 128 degrees or higher. Level 3 Noncompliance if the temperature is between 123 and 127.9 degrees.

#### Assessment

Due to the variable accuracy of hot water thermometers, this rule is not considered out of compliance unless the temperature measures 123 degrees or hotter.

The Licensing Specialist will hold the thermometer in the running water until the temperature stops rising.

Hand washing sinks used by children will be assessed for temperature. If there is more than one water heater, the water

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temperature will be assessed at one hand washing sink hooked up to each hot water heater. If mixing valves are used, the temperature will be assessed at each separate sink using the valve.

(8) High chairs shall have T-shaped safety straps or devices that are used whenever a child is in the chair.

#### Rationale / Explanation

The purpose of this rule is to prevent children from sliding out of a high chair and falling to the ground, or sliding partway out and becoming entrapped, which poses a strangulation hazard. *CFOC, 3<sup>rd</sup> Ed. pgs. 241-242*

#### Enforcement

Level 1 Noncompliance if the high chair is used by infants or toddlers. Level 2

Noncompliance otherwise.

#### Assessment

If the chair is low enough to the ground that the child's feet can touch the ground while sitting in the chair, a T-shaped strap or other device is not required.

Booster seats with a tray attached are considered a highchair.

(9) Indoor stationary gross motor play equipment, such as slides and climbers, accessible to children under age 3 shall not have a designated play surface that exceeds 3 feet in height.

#### Rationale / Explanation

This rule is based on guidelines from the Consumer Product Safety Commission. Improper cushioning material under playground equipment is the leading cause of playground related injuries. Over 70% of all accidents on play equipment are from children falling. Hard surfaces are not acceptable under most play equipment. A fall onto a hard surface could be life threatening. *CFOC, 3<sup>rd</sup> Ed. pgs. 237-238 Standard 5.3.1.1, pgs. 273-274 Standard 6.2.3.1, pgs. 277-278 Standard 6.2.5.2*

See the last page of this document for examples of the kinds of equipment that do and do not require cushioning under Subsections (9)(a)-(b) and (10)(a)-(b) of this rule.

#### Enforcement

Level 1 Noncompliance if indoor play equipment exceeds the allowed height and does not have the required cushioning.

Level 2 Noncompliance if indoor play equipment exceeds the allowed height but has the required cushioning.

#### Assessment

This rule only applies to stationary gross motor play equipment, such as a climber, slide, swing (not an infant swing), merry-go-round, or spring rocker.

A piece of equipment will be assessed as both a waterfall climber and a climber if one side of the climber has gradual tiers and the other side has a straight drop off.

If an inflatable bounce house is used by children in care, there must be compliance for applicable rules for stationary play

equipment.

The following items will not be assessed as indoor stationary play equipment:

- slides that exit into swimming pools
- carpeted ramps
- tunnels that sit directly on the floor and do not have at least a 2" by 2" flat surface on the top

Rubber tire jumping devices will not be assessed as a trampoline but will be assessed as a piece of stationary play equipment.

**(9) Indoor stationary gross motor play equipment, such as slides and climbers, accessible to children under age 3 shall not have a designated play surface that exceeds 3 feet in height.**

- (a) If such equipment has an elevated designated play surface less than 18 inches in height, it shall not be placed on a hard surface, such as wood, tile, linoleum, or concrete, and shall have a three foot use zone.**

#### Rationale / Explanation

There are several different types of ASTM compliant cushioning that can be used under indoor play equipment. These include certain mats, carpeting, and unitary cushioning materials. For examples of possible ASTM compliant indoor cushioning materials, see:

- <http://www.safelandings.com>
- <http://www.surfaceplay.com>
- [http://www.daycaremall.com/softplay\\_3.html](http://www.daycaremall.com/softplay_3.html)

#### Enforcement

Level 1 Noncompliance if the equipment is on a hard surface.

Level 2 Noncompliance otherwise.

#### Assessment

This rule does not apply to equipment that is 6" or less from the floor, such as low balance beams.

A piece of equipment will be assessed as both a waterfall climber and a climber if one side of the climber has gradual tiers and the other side has a straight drop off.

The use zone is measured from the outermost point of the equipment.

Mats that are part of the equipment are considered cushioning and part of the use zone.

When the elevated designated play surface of a waterfall climber is less than 18 inches in height, the bottom layer is counted as part of the equipment and the use zone is measured from the bottom of the equipment.

When equipment has a piece in it that children are clearly meant to climb over, it will be assessed as stationary play equipment. If it is a completely enclosed pit it will not be assessed as a piece of stationary play equipment.

No use zone is required for the back piece of equipment if it is flush against the wall. The sides and the front of the equipment need a three foot use zone.

If the elevated designated play surface of a waterfall climber is less than 18 inches in height, the measurement will be taken from the bottom of the equipment.

Pillows are allowed to be in the use zone of stationary play equipment but will not be assessed as part of the actual cushioning.

If a piece of equipment is stored in a place other than where it is used by children, the caregiver will be asked to place the equipment where it is when used by children so it can be assessed for an adequate use zone.

When loose toys, such as balls or blocks, are in the use zone the item will not be marked as out of compliance.

Measurements for use zones will be from out most surfaces of the equipment and measured in all directions around and above the equipment.

**(9) Indoor stationary gross motor play equipment, such as slides and climbers, accessible to children under age 3 shall not have a designated play surface that exceeds 3 feet in height.**

**(b) If such equipment has an elevated designated play surface that is 18 inches to 3 feet in height, it shall be surrounded by mats at least 2 inches thick, or cushioning that meets ASTM Standard F1292, in a three foot use zone.**

#### Enforcement

Level 1 Noncompliance if the equipment is on a hard surface such as wood, tile, linoleum, or concrete. Level 2

Noncompliance otherwise.

#### Assessment

This rule does not apply to equipment that is 6" or less from the floor, such as low balance beams.

A piece of equipment will be assessed as both a waterfall climber and a climber if one side of the climber has gradual tiers and the other side has a straight drop off.

Mats that are part of the equipment are considered cushioning and part of the use zone.

If an inflatable bounce house is used by children in care, there must be compliance for applicable rules for stationary play equipment.

A rocking horse that is over 18" high, such as a spring rocker, needs a use zone and cushioning. If a rocking horse is less than 18" high, it does not need a use zone or cushioning.

When loose toys, such as balls or blocks, are in the use zone the item will not be marked as out of compliance.

**(10) Indoor stationary gross motor play equipment, such as slides and climbers, accessible to children age 3 and older shall not have a designated play surface that exceeds 5-1/2 feet in height.**



### Rationale / Explanation

This rule is based on guidelines from the Consumer Product Safety Commission. Improper cushioning material under playground equipment is the leading cause of playground related injuries. Over 70% of all accidents on play equipment are from children falling. Hard surfaces are not acceptable under most play equipment. A fall onto a hard surface could be life threatening. *CFOC, 3<sup>rd</sup> Ed. pgs. 237-238 Standard 5.3.1.1, pgs. 273-274 Standard 6.2.3.1, pgs. 277-278 Standard 6.2.5.2*

### Enforcement

Level 1 Noncompliance if indoor play equipment exceeds the allowed height and does not have the required cushioning.

Level 2 Noncompliance if indoor play equipment exceeds the allowed height but has the required cushioning.

### Assessment

This rule only applies to stationary gross motor play equipment, such as a climber, slide, swing, merry-go-round, or spring rocker.

A piece of equipment will be assessed as both a waterfall climber and a climber if one side of the climber has gradual tiers and the other side has a straight drop off.

If an inflatable bounce house is used by children in care, there must be compliance for applicable rules for stationary play equipment.

The following items will not be assessed as indoor stationary play equipment:

- slides that exit into swimming pools
- carpeted ramps
- tunnels that sit directly on the floor and do not have at least a 2" by 2" flat surface on the top

When loose toys, such as balls or blocks, are in the use zone the item will not be marked as out of compliance. Rubber tire jumping devices will not be assessed as a trampoline but will be assessed as a piece of stationary play equipment.

**(10) Indoor stationary gross motor play equipment, such as slides and climbers, accessible to children age 3 and older shall not have a designated play surface that exceeds 5-1/2 feet in height.**

- (a) If such equipment has an elevated designated play surface less than 3 feet in height, it shall be surrounded by protective cushioning material, such as mats at least 1 inch thick, in a six foot use zone.**

### Rationale / Explanation

There are several different types of ASTM compliant cushioning that can be used under indoor play equipment. These include certain mats, carpeting, and unitary cushioning materials. For examples of possible ASTM compliant indoor cushioning materials, see:

- <http://www.safelandings.com>
- <http://www.surfaceplay.com>
- [http://www.daycaremall.com/softplay\\_3.html](http://www.daycaremall.com/softplay_3.html)

### Enforcement

Level 1 Noncompliance if the equipment is on a hard surface.

Level 2 Noncompliance otherwise.

### Assessment

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This rule does not apply to equipment that is 6" or less from the floor, such as low balance beams.

A piece of equipment will be assessed as both a waterfall climber and a climber if one side of the climber has gradual tiers and the other side has a straight drop off.

The cushioning must be in the entire use zone. The use zone will be measured from the furthest perimeter of the equipment.

(10) Indoor stationary gross motor play equipment, such as slides and climbers, accessible to children age 3 and older shall not have a designated play surface that exceeds 5-1/2 feet in height.

(b) If such equipment has an elevated designated play surface that is 3 feet to 5-1/2 feet in height, it shall be surrounded by cushioning that meets ASTM Standard F1292, in a six foot use zone.

#### Enforcement

Level 1 Noncompliance if the equipment is on a hard surface.

Level 2 Noncompliance otherwise.

(11) There shall be no trampolines on the premises that are accessible to any child in care.

#### Rationale / Explanation

Trampolines pose serious safety hazards. The Consumer Product Safety Commission estimates that in 1998 there were 95,000 hospital emergency room-treated injuries associated with trampolines. About 75% of the victims are under 15 years of age, and 10% are under five years of age. The hazards that result in injuries and deaths are:

- falling or jumping off the trampoline.
- falling on the trampoline springs or frame.
- colliding with another person on the trampoline.
- landing improperly while jumping or doing stunts on the trampoline.

#### Enforcement

Always Level 1 Noncompliance.

#### Assessment

This rule includes full size above-ground trampolines, built into the ground trampolines, and mini-trampolines.

(12) If there is a swimming pool on the premises that is not emptied after each use:

(a) the provider shall ensure that the pool is enclosed within a fence or other solid barrier at least six feet high that is kept locked whenever the pool is not in use;

#### Rationale / Explanation

The purpose of this rule is to prevent both injury and drowning. Most children drown within a few feet of safety, and drowning is one of the leading causes of unintentional injury to children under 5 years of age. *CFOC, 3<sup>rd</sup> Ed. pg. 7 Standard 1.1.1.5, pg. 267 Standard 6.1.0.6, pg. 278 Standard 6.3.1.1, pg. 280 Standards 6.3.1.6, 6.3.1.7, 6.3.1.8, pgs. 281-282 Standards 6.3.2.1, 6.3.2.2, 6.3.2.3, 6.3.3.1, 6.3.3.2, 6.3.3.4*

#### Enforcement

Always Level 1 Noncompliance.

#### Assessment

For a swimming pool fence to be considered locked, it must have a key or combination lock.

**(12) If there is a swimming pool on the premises that is not emptied after each use:**

**(a) the provider shall maintain the pool in a safe manner;**

#### Assessment

A finding to this rule is issued only when there is not another licensing rule that addresses a problem. The noncompliance level depends on the problem. Child Care Licensing staff will compare the seriousness of the problem with the noncompliance levels of the most similar child care licensing rules.

**(12) If there is a swimming pool on the premises that is not emptied after each use:**

**(a) the provider shall meet all applicable state and local laws and ordinances related to the operation of a swimming pool; and**

#### Rationale / Explanation

This rule is intended to address problems which are not already addressed in other child care licensing rules, but which involve the violation of a federal, state, or local law or administrative rule of another agency that applies to the operation of a child care facility.

#### Enforcement

Always Level 3 Noncompliance.

**(12) If there is a swimming pool on the premises that is not emptied after each use:**

**(b) If the pool is over four feet deep, there shall be a Red Cross certified life guard on duty, or a lifeguard certified by another agency that the licensee can demonstrate to the Department to be equivalent to Red Cross certification, any time children have access to the pool.**

#### Enforcement

Level 1 Noncompliance when there is no certified life guard.

Level 3 Noncompliance when there is a certified life guard but documentation of the certification is not available for review.

#### Assessment

Documentation of life guard certification must be available for review.

**(13) If wading pools are used:**

**(a) a caregiver must be at the pool supervising children whenever there is water in the pool;**

#### Rationale / Explanation

The purpose of this rule is to prevent drowning. Small children can drown within 30 seconds in as little as 2 inches of water. *CFOC, 3rd Ed. pgs. 68-29 Standard 2.2.0.4, pg. 283 Standard 6.3.5.3*

The provider should check with their local health department before allowing children to use a wading pool, because some local health departments prohibit the use of wading pools in child care facilities. R430-100-8(2) requires providers to

comply with local laws and rules such as these.

**Enforcement**

Always Level 1 Noncompliance.

**Assessment**

Supervising at the pool means that a caregiver is close enough to see the entire bottom of the pool.

Wading pools are pools that hold shallow water and are not meant to swim in. These rules apply to all wading pools.

**(13) If wading pools are used:**

**(a) diapered children must wear swim diapers and rubber pants while in the pool; and**

**Rationale / Explanation**

The purpose of this rule is to minimize the risk of spreading cryptosporidiosis, a diarrheal disease caused by a microscopic parasite. Utah Department of Health rule requires any child under three years old, any child not toilet trained, and anyone who lacks control of defecation shall wear a water resistant swim diaper and waterproof swimwear. Swim diapers and waterproof swimwear shall have waist and leg openings fitted such that they are in contact with the waist or leg around the entire circumference (R392-302-30).

The licensee should check with their local health department before allowing children to use a wading pool, because some local health departments prohibit the use of wading pools in child care facilities. R430-100-8(2) requires providers to comply with local laws and rules such as these.

**Enforcement**

Always Level 2 Noncompliance.

**(13) If wading pools are used:**

**(a) the pool shall be emptied and sanitized after each use by a separate group of children.**

**Rationale / Explanation**

The purpose of this rule is to minimize the risk of spreading disease through shared wading pool water. *CFOC, 3rd Ed. pg. 283 Standard 6.3.5.3*

**Enforcement**

Always Level 2 Noncompliance.

Examples of equipment that does require cushioning and use zone under Subsections (9)(a)-(b) and (10)(a)-(b) of this rule.



Examples of equipment that **does not** require cushioning and use zone under Subsections (9)(a)-(b) and (10(a)-(b) of this rule.



